

**Presented by Nina Shea, Commissioner  
U.S. Commission on International Religious Freedom  
Congressional Human Rights Caucus**

September 28, 2001



Mr. Chairman and Members of the Caucus:

On behalf of the U.S. Commission on International Religious Freedom, on which I serve, I wish to thank the Caucus for inviting me to testify before you today about religious freedom in Sudan.

Mr. Chairman, this briefing is very timely for it falls just three weeks after the Commission met with Under Secretary of Political Affairs Thomas Pickering about the Administration's policy toward Sudan, and just one week after I, representing the Commission, was invited to meet with Sudanese Foreign Minister Ismail Osman.

During the meeting with Sudanese Foreign Minister Osman, he told me his "job" is to "keep Sudan out of international focus." The Foreign Minister is energetically arranging meetings with international critics and human rights representatives in the hope of improving the image of the government of Sudan. In response to the Commission's concerns, he promised to work towards lifting food aid bans imposed by his government, immediately call for a halt in the bombing campaign, and resolve the human rights catastrophe being carried out by the government-sponsored Lord's Resistance Army. While these promises, if kept, would signify substantial human rights improvements, no reform is yet apparent. We urge Congress, as we ourselves plan to do, to continue to keep Sudan in focus until the human rights horror taking place there ends. In our May 1, 2000 Annual Report, the Commission proposed a comprehensive 12-month plan to significantly strengthen the United States' policy regarding the crisis in Sudan. As stated in Commission recommendation 1.2, the Commission would support

improving diplomatic relations as well as providing humanitarian and other assistance to the extent that the Sudanese government improves its record on human rights and religious freedom. I have attached the Commission's recommendations to the end of this testimony.

The Commission was pleased to learn from its meeting with Under Secretary Pickering that the Administration has begun to adopt some of its policy recommendations on Sudan. For example, Commission recommendation 1.2c urges the Administration to set criteria for measuring Sudan's actions, which it has now apparently done. Before sanctions are lifted and full diplomatic relations are restored to Sudan, reforms must be made in the areas of terrorism, humanitarian aid, human rights, and peace negotiations. Although this change in U.S. policy has only been in place for a couple of months, it is an encouraging start and must be pursued with unwavering firmness and pressed at the highest levels of government as a U.S. foreign policy priority. The Department of State has also given the Commission repeated assurances that it is continuing to increase all funding to private organizations operating outside the United Nations' Operation Lifeline Sudan (OLS), which deliver relief on a needs basis irrespective of Khartoum's flight bans. The Commission urges this and the next Administration to adopt its other recommendations, especially that of 1.2a to have the President vigorously speak out about the human rights abuses in Sudan. Over the past year, the Commission has been struck by the huge disparity between the genocidal scale of atrocities being committed by the government of Sudan and the muted response of the President and the Secretary of State. Not even in the State Department's 2000 Annual Report on International Religious Freedom was there more than one page in its dozen or so pages relating to Sudan on the atrocities being committed as part of the civil war.

Mr. Chairman, the U.S. Commission on International Religious Freedom has found that the government of Sudan is the world's most violent abuser of the right to freedom of religion and belief. As it prosecutes its side of a 17-year old civil war -- a war that ignited when the regime in Khartoum attempted to impose Sharia, or Islamic law, on the non-Muslim south and in which the Commission has found that religion continues to be a major factor -- the government of Sudan is carrying out genocidal practices against its religious and ethnic minorities. Such practices include aerial bombardment, scorched earth campaigns, massacres, slavery, forcible conversion, and its most lethal tactic, what Senator Frist has termed "calculated starvation." (The latter is achieved by creating through brutal means vast numbers of internally displaced persons -- estimated at 4.5 million they number the largest internal refugee population in the world -- who are dependent on humanitarian relief for survival, while barring international relief flights from delivering aid.) As a direct result of the conflict, some two million persons have been killed, mostly Christians and followers of traditional beliefs in south and central Sudan.

That the government of Sudan has not yet prevailed in the war may be due to the fact that,

until last year, it was financially strapped, and in default to the IMF and other international lenders. In August 1999, oil developed in south Sudan by foreign companies in a joint venture partnership with the Khartoum government came on stream, and has begun to provide windfall profits for the regime, as well as a critical source of new international respectability. The proceeds from the oil revenues are being used to support the Sudanese military's actions, and the human tragedy in Sudan is likely to become worse. There is ample evidence that this is already happening: since February, a Catholic primary school in the Nuba mountains, Samaritan's Purse hospital, near Juba, operated by the family of Rev. Billy Graham, a clinic of Voice of the Martyrs, a clinic of Irish Concern, a Red Cross plane, and other relief centers, churches and civilian targets in south Sudan have been bombed by the government in one of the most relentless bombing campaigns of the war.

In addition to the conflict, the regime is responsible for other forms of religious persecution throughout the country. These concern the Commission as well. Muslims who do not subscribe to the government's extremist interpretation of Islam are persecuted. Christian schools were nationalized in 1992. Christian churches and prayer centers continue to be demolished, and the government has not granted permission to build or repair a church in over 30 years. The regime suppresses Christian and African traditional religions in a variety of ways.

Mr. Chairman, in its report, the Commission proposes a comprehensive set of policy options to significantly strengthen the United States' response to the crises in Sudan. The Commission's recommendations emphasize the need for an intensive diplomatic effort over the next 12 months to stop genocidal actions and human rights abuses, providing both disincentives and incentives for the Sudanese government to comply with international standards of religious freedom and other basic human rights. These include bringing world moral opprobrium to bear upon the genocidal regime and providing non-lethal aid to opposition groups in order to strengthen the defenses of the vulnerable civilian populations.

In addition, the Commission recommends increasing economic pressure on the regime, especially by restricting foreign companies involved in Khartoum's strategic oil industry from raising money in U.S. capital markets. The Commission calls for greater transparency and disclosure for foreign companies engaged in the development of the oil and gas fields in Sudan that are seeking to obtain capital in U.S. markets, but also, because of the extremely egregious, in fact genocidal, nature of the religious persecution in Sudan, the Commission urges that access to U.S. stock and bond markets be restricted in this specific case. In an underdeveloped country such as Sudan, it is the sanctioning of investment rather than trade that will bring real pressure upon the regime.

In this regard, the Commission is deeply concerned about press reports that the government of China is planning to offer sovereign bonds, totaling \$1 billion, on the U.S. market in the near future. The government of China not only is a severe violator of religious freedom in its own country, but also it might use the proceeds from those bonds to support the activities of its national oil company in Sudan - for example, by repaying some of the debt that the company has incurred in developing the Sudan oil fields. For those reasons, the Commission has decided to oppose this possible offering by China of sovereign bonds.

Because the regime continues its genocidal practices, the Commission's May 1, 2000 recommendations also set forth measures to ameliorate the agony of the targeted population in south and central Sudan. These include ensuring food aid reaches starving communities by channeling more aid outside the United Nations' system, supporting through peaceful means a "military no-fly zone," and strengthening an infrastructure to sustain and stabilize civilian life.

The Commission's recommendations include a call for the U.S. to intensify the economic isolation of the Sudanese regime as a pariah state, if improvements are not made in their human rights and religious freedom record, and are based on the same principle that proved so effective in ending apartheid in South Africa during the 1980s. None of the Commission's recommendations calls for the involvement of U.S. troops or UN peacekeeping forces. They do not risk involving the United States in a dangerous quagmire of financial and military obligations. They do require American resolve and leadership. In the half century since the ratification of the Convention on the Prevention and Punishment of the Crime of Genocide, the world community has rarely invoked it or applied its definitions. Typically, when it has been used, it has been years after the fact, after the killing has stopped and the mass graves have been exhumed, as was the case in Cambodia, or when it has helped to justify a decision to intervene militarily, such as in Bosnia and Kosovo. These past occurrences of genocide fill the pages of our newspapers to this day and they continue to haunt our policy leaders. The Commission's recommendations are intended to help in time to save lives, and to do so through peaceful means.

In reaching these recommendations, the Commission made an on-site visit to southern Sudan, conducted its own hearings and research, met with religious and other non-governmental organizations ("NGOs"), reviewed the public reports of the State Department and obtained information from other agencies. We attempted to visit northern Sudan, but were not able to obtain clearance from the State Department to travel on a diplomatic passport because of security concerns related to Khartoum's bombing campaign. We hope to try again when we are able to attain clearance.

A more detailed discussion of the Commission's concerns and recommendations regarding Sudan follows:

## 1. The Humanitarian Tragedy

Since 1983, when the second phase of the civil war began, almost 2 million people have died in Sudan as a direct result of the war, most of whom died from starvation - frequently brought about by flight ban policies.<sup>1</sup> Another 4.5 million have been displaced inside the country.<sup>2</sup> This amounts to nearly a quarter of all such internal refugees worldwide. There are 1.5 million internally displaced persons (IDPs) in Khartoum alone. Many internal refugees live in squalid conditions in what the government of Sudan euphemistically calls "peace camps." These refugee camps have only primitive sanitation facilities, are largely dependent on food supplied by the United Nations, and provide their inhabitants with virtually no means of self-support. In some camps, the inmates are forced to convert to Islam before they or their children can receive food and medicine.

Despite the desperate needs of the Sudanese people, the government of Sudan prohibits international relief missions from bringing food to many who are seriously affected. Although Operation Lifeline Sudan (OLS), the United Nations humanitarian relief mission for Sudan, sought to provide food relief for the starving population, the government continued its "no flight" ban on these famine areas and advised that it would shoot down any UN or NGO plane attempting to make humanitarian flights to the region. OLS and many NGOs agreed to the conditions imposed by the government. The government continues to veto food delivery flights in various areas. There are several NGOs that step into the breach and deliver food and other aid to areas covered by the flight ban imposed by the Sudanese government. These "non-OLS" NGOs run the risk of being attacked and shot down by the government's armed forces.

At the same time, attacks on civilians continue unabated. On February 8, 2000, three weeks after the Sudanese government declared a cease-fire, one of its planes dropped between three and six bombs on the Comboni Primary School, a Catholic missionary school in the Nuba Mountains. The bombs immediately killed 14 children and a 22-year-old teacher. The survivors of the attack carried 18 wounded children, some with limbs blown off, to a nearby German medical facility, one of many such makeshift medical facilities operating in hazardous locations throughout Sudan. A videotape recorded the aftermath of the slaughter.<sup>3</sup> Five of the wounded children later died of their injuries.

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Bishop Macram (Max) Gassis, whose diocese includes the Comboni School, testified before the U.S. Commission on International Religious Freedom's hearing on Sudan just one week after the attack: "Truly, this is a slaughter of innocents, an unbridled attempt to destroy the

Nubas' hope and indeed their future by destroying their children."

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The Commission has documented numerous such cases throughout the year.

By any reasonable application of international law, the persons responsible for these attacks on civilian populations and humanitarian workers are guilty of "committing crimes against humanity" and should be held accountable by all civilized governments of the world. The Commission has concluded that by the nature of its actions, the government of Sudan has engaged in genocidal activity, and includes among its policy recommendations a request that the U.S. State Department determine whether Khartoum has violated the 1948 Genocide Convention.

The issue of slavery and slavery-like practices is a terrible problem in Sudan. While the practices of inter-tribal raids, abductions and ransoming have historical roots in Sudan, as the Secretary of State stated before the UN Commission on Human Rights last March, the government of Sudan itself is responsible for slavery. The most flagrant example of the government's support for the practice of slavery takes place along the 445 kilometer railroad track from Babanusa (Western Kordofan) through Aweil to Wau (Bahr al-Ghazal), in the form of raids on villages by government-backed  *Murahalin*  militiamen. The  *Murahalin*  are mostly Arabic-speaking and Muslim Baggara tribesman, who are traditional rivals of the indigenous Dinka tribes that live near the railway in northern Bahr al-Ghazal.

The exact number of those abducted and enslaved is not known. The Congressional Black Caucus estimates that tens of thousands of women and children, mainly from Bahr al-Ghazal, have been abducted and raped, remain in captivity, and are used as slaves.<sup>6</sup> There are reports by human rights groups that those enslaved are frequently abused and mistreated, and that local law enforcement authorities regularly fail to assist families of abducted individuals or to prosecute those responsible.

## 2. Persecution of Christians and Traditional Believers

Since the NIF-backed coup of 1989, discrimination and serious violations of religious freedom increased dramatically. Non-Muslims in Sudan, both Christians and followers of traditional beliefs, in essence have become second-class citizens subject to a wide range of violations, including the misapplication of  *hudud* , legal and social discrimination, forcible conversions to Islam and religious coercion, restrictions on religious institutions, harassment of religious personnel, and persecution.

In spite of the government's rhetoric claiming that it respects the rights of followers of the "revealed religions," Christians of all denominations and backgrounds in Sudan are subjected to repression, discrimination, and persecution. These include restrictions on operations of their churches and on church personnel, harassment, and persecution. The government has not allowed the building or repair of churches in Khartoum since 1969.<sup>8</sup> According to Bishop Macram Gassis, a total of 750 Christian schools have already been confiscated by the government.

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The government rarely grants building permits to Christian institutions, while permits for mosques and other Islamic institutions are readily attainable.

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Numerous churches and church properties have been bulldozed or confiscated on the grounds of not fulfilling rigid requirements, or of any other pretext supplied by Sudanese authorities. In June 1999, the government served eviction notices on the Episcopal bishop and all other church personnel of the Episcopal diocese in Omdurman, and ordered them to vacate the headquarters. After ecumenical demonstrations, the government returned the headquarters.

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Government authorities confiscated the Catholic Club in Khartoum. In some areas, such as the province of Damazin, Christian preaching has been outlawed altogether.

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The government also intimidates and harasses Christian leaders critical of the regime by charging them with both ordinary and security-related crimes. For example, in 1998, a military court tried Fr. Hilary Boma and Fr. Leno Sebit, chancellor of the Archdiocese of Khartoum, along with 24 others for "conspiracy and sabotage." The government released Boma and Sebit in December 1999, following international pressure.

At the same time, Sudanese regimes, past and present, have made no secret of their designs to eventually integrate the southern populations through a systematic program of Islamization. Differences between the current military regime and previous governments, thus are in degree rather than substance. The current government of Sudan, like all those before it, does not recognize the legitimacy of traditional-indigenous beliefs and views the south largely as a "blank slate" to be converted to Islam.<sup>13</sup> The regime has sought to eliminate traditional-indigenous religions, particularly in the "frontier zones" bordering the south such as the Nuba Mountains and the Ingessana Hills.

There are reports of individuals being forcibly or otherwise coercively converted to Islam. Forcible or coercive actions have occurred among the Nuba of Southern Kordofan and the Gamk of the Ingessana Hills in Southern Blue Nile, and elsewhere in the south such as Bahr al-Ghazal. Much of this religious coercion takes place in so-called "peace villages" -- a cynical euphemism employed by the government officials to describe camps for the mostly

non-Muslim Sudanese who have been forcibly removed from their homes and villages by government or government-backed militia forces. Nearly one-third of the Nuba population have been forcibly removed from their homes and villages and resettled in the peace villages.<sup>14</sup> In addition to government-backed militias, semi-official relief organizations are also reported to be involved in religious coercion of non-Muslims. The Commission has asked National Security Advisor Berger to investigate reports that the Commission received from credible sources - Anglican and Catholic bishops in Sudan -- that U.N.-provided humanitarian aid for Sudan, including U.S. aid, is being manipulated to force religious conversions among the country's displaced and needy religious minorities. Meanwhile, the 1991 Penal Code criminalized apostasy, and subsequent court rulings have rendered it a capital offense.

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Conversion from another religion to Islam, however, is not considered "apostasy," but rather is promoted as a matter of policy by the government of Sudan.

### 3. Persecution of Muslims

Muslims in Sudan are not immune to religious repression by the regime. The government of Sudan violates the religious freedom rights of Muslims in Sudan primarily in two ways. The first is through the compulsory enforcement of Muslim religious observance as *interpreted by the government*. The regime has thus sought to monopolize the discourse on Islam to the exclusion of all other views. As many Muslim critics point out, despite

*Quranic*

injunctions against "compulsion in religion" (Quran 2:256), in many instances the government has made otherwise personal religious observances, such as daily prayers and fasting, compulsory. For example, government employees are required to attend congregational prayers and women are not given the option of whether or not they choose to wear the Islamic head scarf (

*hijab*

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At the same time, Friday sermons in the mosques must first be vetted by a government commission. Imams who refuse to comply are prevented from preaching. The regime pressures Muslim preachers to preach loyalty to the regime and they may be replaced, harassed, or otherwise ill-treated if they refuse to do so.

Second, the Sudanese government targets Muslim groups and "sects" who are seen as part of the military and political opposition to the government. These include traditional sectarian movements such as the Khatimiyya, Ansar, Ansar al-Sunnah, and Samaniyya, as well as Muslim communities in the "frontier zones" (Nuba Mountains, Darfur, Red Sea, and Ingessana) who are either suspected of collaborating with rebels of the Sudanese People's Liberation Army or of practicing a form of Islam that is not deemed to be "pure."<sup>17</sup>



The government of Sudan has particularly attacked the Khatimiyya and the Ansar, which are linked to the banned Democratic Unionist Party (DUP) and (until recently) Umma Party respectively. During the past few years, the DUP and Umma have been the two largest Muslim opposition movements.<sup>18</sup>

In 1993 the government of Sudan secured a religious edict (*fatwa*) declaring all those who oppose the regime to be "apostates." Government forces were thereby granted license to attack Muslims of the Nuba and other areas at will and the regime's forces have destroyed or desecrated numerous mosques and Muslim institutions. Attacks on Muslims in the Nuba Mountains, whether by government aerial bombardment or by gangs acting on behalf of the regime, became so common that many Nuba leaders believe that the regime has attacked more mosques than it has churches.

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## 4. Oil and Capital Markets

The terrible situation in Sudan is likely to become worse. The Sudanese government, which has been waging a campaign of death and destruction against its own people, is now receiving windfall profits from oil fields in south central Sudan. Sudan has proven oil reserves of 262 million barrels and estimated reserves of more than eight billion barrels. With the completion in mid-1999 of an oil pipeline from south-central Sudan to the Red Sea, Sudan's daily crude output rose dramatically from an estimated 12,000 barrels in 1998 to 150,000 barrels in 1999, and is expected to reach 250,000 barrels in 2000.<sup>20</sup> Experts estimate that the Sudanese government will derive approximately \$ 300 - 400 million annually from the new pipeline.

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These oil profits will provide the government with funds to increase its purchases of military equipment, which will in turn be used to further its campaigns against religious, racial, and ethnic minorities.

There is a critical linkage between oil and gas production and human rights violations in Sudan. It is regrettable that this was not acknowledged in the State Department's 2000 Annual Report on International Religious Freedom. The government of Sudan destroyed a number of villages surrounding the Bentiu oil fields in order to rid them of human habitation. The proceeds from the oil revenues will, in turn, continue to be used to support the Sudanese military's actions against other regions of the country. The Harker investigation feared that oil extraction may be contributing to the "forced relocation" of civilian populations living near the oil fields and concluded that, "[i]t is difficult to imagine a cease-fire while extraction continues . . . ."<sup>22</sup> The State Department echoed that sentiment through Secretary Albright's

then-spokesman James Rubin, who noted that new oil revenues "provided a new source of hard currency for a regime that has been responsible for massive human-rights abuses and sponsoring terrorism outside Sudan," and added that the United States is "very concerned that investment in the Sudanese oil sector strengthens the capacity of the Khartoum regime to maintain and intensify its brutal war against its own people."

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In this context, the Commission was alarmed by reports in late 1999, that the China National Petroleum Company (CNPC), a 40 percent stakeholder in a joint venture to develop the Sudanese oil and gas fields, was poised to obtain additional funds from the U.S. capital markets on a huge scale. According to those reports, CNPC was planning to make an initial public offering (IPO) of equity shares in the amount of \$10-12 billion. At that level, the IPO would have been one of the largest ones ever made on the New York Stock Exchange.

In response, the Commission studied the applicability of the President's economic sanctions and the disclosure requirements of the Securities and Exchange Commission (SEC) to such an IPO, in consultation with the Department of the Treasury's Office of Foreign Assets Control (OFAC) and the SEC. In October 1999, the Commission urged President Clinton and top White House officials to prevent the IPO. The Commission also focused a substantial part of its February 14, 2000 hearing on Sudan on this sort of use of our capital markets.

In the face of the issues raised by the Commission and others, CNPC restructured itself, placing its domestic operations in a wholly-owned subsidiary, PetroChina Company Limited, and retaining its international operations. On the basis of a registration statement filed by PetroChina with the SEC, PetroChina and CNPC each offered and sold PetroChina shares on the U.S. market in early April 2000. The registration statement said that some of CNPC's proceeds might go into retirement of its debt, but left unclear whether any of that debt was incurred in developing the Sudan oil fields. OFAC, which administers the Sudanese Sanctions Regulations, opined that these shares could be purchased so long as there was no "clear statement" that CNPC would use the proceeds to retire Sudan-related debt. As a result, millions of those dollars from CNPC's sale of PetroChina shares may well end up benefiting GNPOC. Also, this and other interpretations by OFAC have clarified that a foreign-organized company may engage in revenue-generating activities in both Sudan and the United States without violating the sanctions regulations.

To date, the Commission is not aware of any action taken by the Department of Treasury or opinion rendered by the Department of State on this critical gap in the United States' Sanctions regime on Sudan. In addition, as mentioned earlier, it now appears that China is poised to offer a \$1 billion sovereign bond in our market, allowing it to repay some of the debt its national oil

company incurred in developing the Sudan oil fields.

## **5. Final Observations and Recommendations**

During the past year, the Commission met with, and heard in its hearings from, foreign policy experts, humanitarian organizations doing work in Sudan, Sudanese religious leaders, other leaders from the beleaguered areas, legal experts on war crimes, and a variety of experts on the use of sanctions. In this process, the Commission learned that U.S. government attempts to enhance religious freedom depended on the effectiveness of our policies in addressing the broader conflict in that nation. And it was equally clear that efforts to help end the civil war needed a new impetus.

Toward that end, the Commission has proposed a comprehensive 12-month plan to significantly strengthen the United States' response to this crisis. In addition, the Commission recommends increasing economic pressure on Khartoum by tightening the current U.S. sanctions on the Khartoum government and constricting the ability of foreign-organized firms doing business with Sudan to raise money in U.S. capital markets. The Commission met with President Clinton in October 1999 to brief him on its work and to ask him to strengthen U.S. efforts to address the urgent issues of Sudan and its violations of human rights and religious freedom.

### **Recommendations on Sudan**

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The United States should continue to increase its humanitarian aid to the people of Sudan and, in particular, increase the percentage of that aid that flows outside the United Nations' food program, and should engage in vigorous multilateral and bilateral efforts to encourage other governments to follow suit.

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The United States should begin a 12-month plan of incentives and disincentives to pressure Sudan's government to improve human rights. If there is not measurable improvement in religious freedom in Sudan at the end of that period, the United States should be prepared to provide non-lethal and humanitarian aid to appropriate opposition groups. During the 12

months, the United States should:

1.

launch a vigorous campaign, led by the President, to inform the world of Sudan's war crimes, crimes against humanity, and genocidal activities;

2.

engage in vigorous multilateral and bilateral efforts to increase economic and other pressure on the Sudanese government;

3.

identify specific criteria to measure the Sudanese government's actions and create linkages between Sudan's actions and the United States' responses;

4.

include specific criteria for measuring whether opposition groups have made identifiable efforts to adhere to international human rights norms;

5.

if after 12 months Sudan has not made measurable progress toward ending human rights violations and if opposition groups have taken steps to improve their human rights record, provide direct non-lethal aid to appropriate opposition groups; and

6.

be prepared to provide aid sooner if the situation deteriorates markedly.

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The Administration should increase its financial and diplomatic support for the Intergovernmental Authority on Development (IGAD) peace negotiations and persuade Egypt to participate.

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The U.S. government should earmark additional humanitarian aid for building public works (such as roads and bridges) and civil government in southern Sudan.

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The U.S. government should work toward a "military no-fly zone" over Sudan using peaceful means.

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The United States government should formally request an investigation into whether Sudanese government forces have used chemical weapons in violation of international law.

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The Department of State should give Congress its opinion on whether Sudan's government has committed and is committing "genocide" as defined by international law.

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The United States government should prohibit any foreign corporation from seeking to obtain capital in the U.S. market as long as it is participating in Sudanese oil-field development.

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The United States government should require any foreign corporation that is engaged in the development of the oil and gas fields in Sudan to disclose fully, before it may proceed with an IPO in the United States, whether it intends to use the proceeds from the IPO for the development of those oil and gas fields.

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The United States government should require any company that is engaged in both the development of the oil and gas fields in Sudan and revenue-generating activities in the United States to submit public reports from time to time on the nature and extent of both of those activities.

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OFAC should investigate: a) how much of the debt that China National Petroleum Company intends to retire arose from its Sudanese activities; b) what criteria CNPC will use to decide whether to retire Sudan-related debt from the proceeds of its recent sale of PetroChina shares in the U.S. capital market; c) whether prior to the sale CNPC earmarked any of the proceeds for use in retiring Sudan-related debt; and d) whether U.S. underwriters knew or should have known of any such earmarking.

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OFAC should call on the parties to the sale of PetroChina stock to inform it if CNPC does retire Sudan-related debt and explain how U.S. sanctions against Sudan relate to that debt retirement.

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OFAC should inform the Commission and the Congress of the results of its investigation, initiate appropriate enforcement action, and adjust its interpretations of the regulations as appropriate.

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The SEC should be especially careful to investigate the adequacy and reliability of representations made in any filings related to the recent sale by CNPC and PetroChina of PetroChina shares.

Mr. Chairman, on behalf of the U.S. Commission on International Religious Freedom, I would like to thank you for inviting me to address the Caucus.

## **Dissent to Commission Recommendation 1.2.e-f by Dr. Laila Al-Marayati**

This dissent is written in response to the recommendation by the Commission to provide non-lethal aid to the Sudanese People's Liberation Army (SPLA) if the government of Sudan has not taken action to measurably and substantially improve religious freedom in Sudan, particularly in the south. My opposition to this recommendation is based on four points:

*First*, the SPLA has a history of human rights abuses that have not significantly abated in recent years. The UN Special Rapporteur on the Sudan and other human rights organizations such as Human Rights Watch have documented the ongoing abuses such as abductions, extrajudicial killings, and the diversion of relief supplies and food from the civilian population. Although the Commission recommends that aid to the SPLA be conditional upon documentation of compliance with international human rights standards, it is improbable that substantial, verifiable improvement will occur in the short time span of 6-12 months. Therefore, to provide aid of any kind to an organization known to commit abuses against populations that need protection is irresponsible and dangerous. Until the SPLA demonstrates that it is capable of respecting the rights of civilians and dissident SPLA factions, the United States should not even consider providing such aid to the SPLA.

*Second*, the human rights violations perpetrated by the government of Sudan and its military upon civilian populations of southern Sudan emanate to a large extent from its involvement in the 17- year civil war. Substantial progress in advancing human rights and religious freedom in Sudan is unlikely to occur until the civil war ends. The argument that strengthening the SPLA will bring the Sudanese leadership to the negotiating table and pressure them into concessions is not only highly speculative but is extremely unlikely, according to most informed observers. By promoting and aiding one side over the other in this tragic conflict, the United States will only contribute to prolonging the war and perpetuating the suffering of millions of Sudanese, particularly in the south where the war is being fought.

*Third*, the U.S. government has not demonstrated sufficient political will to bring about a peaceful resolution to the conflict in Sudan. The current policy that emphasizes isolation of Sudan as a "rogue state" has further hindered the United States from playing a constructive role in bringing the parties to a negotiated settlement. Without a concerted good faith effort, in conjunction with allies in the region, to invigorate and empower the peace process (see Recommendation 1.3), it is premature to offer aid to the SPLA, as this will compromise any ability of the U.S. government to negotiate fairly. It is not enough for the Commission to recommend diplomatic efforts that could occur simultaneously with aid to the SPLA. Until the diplomatic channels have been completely exhausted, aid to the rebel forces should not be an option, as this will thwart any opportunity for peace. To the extent that the United States aids rebel groups, it will become a party to the conflict, thereby undermining its credibility in the region and undercutting its own peace efforts.

*Fourth*, ancillary equipment and supplies (i.e., the type of non-lethal aid that is recommended by the Commission) can strengthen the forces in a way that will enable them to function more effectively on the battlefield. In addition, non-lethal supplies can be sold or exchanged for weapons and ammunition such that the distinction between lethal versus non-lethal aid is blurred. It is possible that the government of Sudan and perhaps other states and individuals in the region will consider aid to the rebels as a declaration of war by the United States against Sudan. Such a perception would have severe ramifications not only for American relief workers in Sudan but for American interests in the region, and violent backlash against American targets (human or otherwise) could readily occur. If American citizens were to become victims of aggression in Sudan, the U.S. government may be called upon to defend them, which could lead to actual military involvement that could threaten to destabilize the entire region.

Thus, because of its ongoing human rights abuses, its internal divisiveness and its general inability to govern, aid to the SPLA is unwise at this time. Moreover, such a move can only undermine U.S. credibility in the region and much of the international community.



1.

UN Special Rapporteur for Sudan, *Situation of human rights in the Sudan: Addendum*, May 17, 1999, paragraph 42.

2.

Ibid.

3.

When shown the videotape of the Comboni school bombing, a Sudanese government official in Nairobi, Dirdiery Ahmed, responded that "the bombs landed where they were supposed to land. The bombs landed into a military camp. The SPLA has pulled people into this military camp." Godfrey Mutizwa, Reuters, "Sudan school still in shock after fatal air strike," February 11, 2000. Days later, Sudanese Foreign Minister Mostaf Osman Ismail accused rebel forces of amassing troops in the target area and stated, "If there were civilian groups there, then this was a regrettable matter and the Sudanese government hopes that this will not happen again." Associated Press, "Government says rebels had troops in area where school was bombed," February 14, 2000. A few weeks later, Justice Minister Ali Mohamed Osman Yassin, told U.S. envoy Harry Johnston, who was then in Khartoum, that the bombing of the school and the killing of the children was a "mistake." Reuters, "Report: Sudan tells U.S. Nuba Raid was 'Mistake,'" March 6, 2000. But even as Mr. Yassin disavowed the motives behind the Comboni attack, the Sudanese military was bombing the Samaritan Purse hospital. Linda Slobodian, "No Excuses for Bombing," *Calgary Sun*, March 7, 2000. For other examples of recent bombings of civilian targets, see Sudan Appendix I.

4.

Gabriel Meyer, "Sudan After the Bombs," *National Catholic Register*, March 26-April 1, 2000. The Comboni Primary School is a Catholic school, named after Daniel Comboni (1831-1881), the first Roman Catholic Bishop of Khartoum.

5.

USCIRF, *Hearing on Sudan* (Gassis testimony), 19. On February 15, 2000, the U.S. Commission on International Religious Freedom held a day-long hearing on Sudan. The hearing was designed to elicit evidence for Commissioners on the situation in Sudan as it relates to religious persecution. The Commission heard testimony from various witnesses, including human rights activists, humanitarian relief workers, religious leaders and others - Sudanese and non-Sudanese - with direct knowledge of the situation in Sudan. Hearing testimonies, in addition to numerous interviews with other experts by Commission staff, which are included throughout this memorandum, have been instrumental in the development of the Commission's findings and recommendations.

6.

*Congressional Record*, 106th Cong., 146, H1753.

7.

Human Rights Watch, *Background Paper on Slavery and Slavery Redemption in the Sudan*, March 12, 1999.

8.

Boyle and Sheen, *Freedom of Religion*, 75; UN Special Rapporteur on Religious Intolerance, *Implementation of the Declaration*, November 11, 1996, paragraph 94.

9.

USCIRF, *Hearing on Sudan* (Gassis testimony), 21.

10.

Human Rights Watch, *World Report 2000*, 78.

11.

Abel Alier, interview with Commission staff, U.S. Commission on International Religious Freedom, Washington, D.C., February 8, 2000.

12.

USCIRF, *Hearing on Sudan* (Bíró testimony), 29.

13.

See Badal, "Religion and Conflict," 263, 267.

14.

Lesch, *Sudan*, 163. See also Mark Bradbury, "International Responses to War in the Nuba Mountains," *Review of African Political Economy* 25, no. 77 (September 1998): 463-474, 465. For a quantitative account of forcible resettlement, see Millard Burr, *Working Document II: Quantifying Genocide in Southern Sudan and the Nuba Mountains, 1983-1998* (December 1998).

15.

UN Special Rapporteur on Religious Intolerance, *Implementation of the Declaration*, November 11, 1996, paragraph 20.

16.

Lawyers Committee for Human Rights, *Beset by Contradictions*, 23. See also Julie Flint, "In the Name of Islam," *Africa Report*

(May-June 1995): 34-37, 37.

17.

According to Abdelfattah Amor, the Special Rapporteur on Religious Intolerance, it is the official policy of the Sudanese to impose "its truth regarding Islam on an erroneous local version of Islam," UN Special Rapporteur on Religious Intolerance, *Implementation of the Declaration*, November 11, 1996, paragraph 116.

18.

In addition to posing challenges to the political hegemony of the Islamists, both the Khatimiyya and the Ansar are rooted in Sufism, Islamic mysticism, and are philosophically in opposition to the NIF. The NIF and its parent organization the Muslim Brotherhood are of the Salafi orthodox trend that is hostile to both traditionalism and mysticism.

19.

African Rights, *Facing Genocide*, 293; Burr, *Quantifying Genocide*, 20-36.

20.

U.S. Energy Information Administration, "Sudan," (November 1999), (<http://www.eia.doe.gov/cabs/sudan.html> accessed April 29, 2000).

21.

USCIRF, *Hearing on Sudan* (Reeves testimony), 104.

22.

Harker, *Human Security in Sudan*, 16.

23.

Jeff Sallot and Steven Chase, "U.S. rebukes Ottawa on Sudan: Axworthy backs down on threat to impose sanctions against Talisman for fueling civil war," *Globe and Mail*, February 15, 2000.